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6 Rebekah Charleston; Angela Delgado-Williams;  
and Leah Albright-Byrd

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

REBEKAH CHARLESTON; ANGELA DELGADO-WILLIAMS; and LEAH ALBRIGHT-BYRD;

## Plaintiffs,

vs.

STATE OF NEVADA; STEVE SISOLAK,  
in his capacity as Governor of the State of  
Nevada, and the  
LEGISLATURE OF THE STATE OF  
NEVADA;

### Defendants.

Case No.: 3:19-cv-00107-MMD-WGC

# **STIPULATED DISCOVERY PLAN AND SCHEDULING ORDER**

## **SPECIAL SCHEDULING REVIEW REQUESTED**

Pursuant to Federal Rule of Civil Procedure 26(f) and Local Rule 26-I(b) Plaintiffs Rebekah Charleston, Angela Delgado-Williams, and Leah Ablright-Byrd (collectively “Plaintiffs”), and State of Nevada; Steve Sisolak, in his capacity as Governor of the State of Nevada; and the Legislature of the State of Nevada, (Collectively “Defendants”) by and through their respective attorneys of record, hereby submit this Stipulated Discovery Plan and Scheduling Order for this Court’s review and approval. The Parties respectfully request the Court’s approval to deviate from the default dates of Local Rule 26-I (b) to account for the procedural posture of the case, including the following two

1 pending dispositive motions where jurisdictional issues are raised: State of Nevada and Steve Sisolak's  
 2 Motion to Dismiss First Amended Complaint (ECF No.22); and The Legislature of the State of  
 3 Nevada's Motion to Dismiss First Amended Complaint (ECF No. 31). Additionally, there is a pending  
 4 Motion to Intervene as Defendants filed by Cash Processing Services, Inc. and Lance Gilman (ECF  
 5 No. 11).

6       **1. Fed. R. Civ. P. 26(a) Initial Disclosures:**

7 Pursuant to Federal Rule of Civil Procedure 26(f) and Local Rule of Court 26-1(d), on May  
 8 24, 2019, Jason Guinasso, Esq. counsel for Plaintiff, Gregory Zunino, counsel for Defendants State of  
 9 Nevada and Governor Steve Sisolak, and Kevin Powers, counsel for Defendant Legislature of the State  
 10 of Nevada conducted a meeting to discuss the relevant issues for discovery, possible early resolution  
 11 of the matter, and other pertinent issues. During this conference the parties stipulated to proposing a  
 12 special discovery plan and scheduling order by adding 90-days to each deadline. In order to ensure  
 13 judicial economy and allow for all parties to participate in discovery, the parties believe the  
 14 outstanding motions should be decided before discovery commences. Pursuant to these discussions,  
 15 the parties agree that they will submit their initial disclosures on or before ***Thursday, September 5,***  
 16 ***2019.***

17       **2. Discovery Cut-Off Date:**

18 Discovery will take (270) days from April 3, 2019, which is the date of Defendants State of  
 19 Nevada and Steve Sisolak's Motion to Dismiss First Amended Complaint (ECF No. 12).  
 20 Accordingly, all discovery must be completed no later than ***Monday, December 30, 2019***<sup>1</sup>.

21       **3. Amending the Pleadings and Adding Parties:**

22 The date for filing motions to amend the pleadings or to add parties shall not be later than  
 23 ninety (90) days prior to the discovery cut-off date and, therefore, not later than ***Tuesday, October 1,***  
 24 ***2019.***

25       **4. Fed. R. Civ. P. 26(a)(2) Disclosures (Experts):**

26 In accordance with Rule 26(a)(2), initial disclosures identifying experts shall be made sixty  
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28 <sup>1</sup> With respect to the discovery cut-off date, the deadline falls on Sunday, December 29, 2019. As a result, the discovery  
 cut-off deadline extends to the next Court day of Monday, December 30, 2019.

(60) days prior to the discovery cut-off date, and therefore, not later than ***Thursday, October 31, 2019***, and disclosures identifying rebuttal experts shall be made thirty (30) days after the initial disclosure of experts and, therefore, not later than ***Monday, December 2, 2019***.<sup>2</sup>

**5. Dispositive Motions:**

The parties shall file dispositive motions not more than (30) days after the discovery cut-off date and, therefore, not later than ***Wednesday, January 29, 2020***.

**6. Pretrial Order:**

If no dispositive motions are filed, and unless otherwise ordered by this Court, the Joint Pretrial Order shall be filed not more than thirty (30) days after the date set for filing dispositive motions and, therefore, not later than ***Friday, February 28, 2020***.

**7. Fed. R. Civ. P. 26(a)(3) Disclosures:**

If no dispositive motions are filed, and unless otherwise ordered by this Court, the parties shall file the disclosures required by Fed. R. Civ. P. 26(a)(3) and any objections thereto with the Pretrial Order pursuant to LR 26-1(e)(6) in the Joint Pretrial Order, not more than thirty (30) days after the date set for filing dispositive motions and, therefore, not later than ***Friday, February 28, 2020***.

**8. Interim Status Report:**

In accordance with Local Rule 26-3, an Interim Status Report will be filed by the parties with the Court sixty (60) days prior to the discovery cut-off date, and therefore, not later than, ***Thursday, October 31, 2019***.

**9. Alternative Dispute Resolution:**

The parties certify they have met and conferred about the possibility of using alternative dispute-resolution processes including mediation, arbitration and early neutral evaluation.

**10. Alternative Forms of Case Disposition:**

The parties certify they considered consent to trial by a magistrate judge under 28 U.S.C. § 636(c) and Fed.R.Civ.P. 73 and the use of the Short Trial Program (General Order 2013-01).

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<sup>2</sup> With respect to the disclosures identifying rebuttal experts, the deadline falls on Saturday, November 30, 2019. As a result, the rebuttal expert disclosure deadline extends to the next Court day of Monday, December 2, 2019.

1           **11. Electronic Evidence:**

2           The parties certify they have discussed whether they intend to present evidence in electronic  
 3 format to jurors for the purposes of jury deliberations. Discussions between the parties will be ongoing  
 4 as the trial date approaches and any electronic evidence will be presented in a format compatible with  
 5 the court's electronic jury evidence display system.

6           **12. Extensions or Modifications of the Discovery Plan and Scheduling Order:**

7           In accordance with Local Rule 26-4, a stipulation or motion for modification or extension of  
 8 this discovery plan and scheduling order must be made no later than twenty-one (21) days before the  
 9 expiration of the subject deadline.

10          DATED this 31<sup>st</sup> day of May, 2019.

11          HUTCHISON & STEFFEN, PLLC

12          By: /s/ ***Jason Guinasso***

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20          Attorney for Plaintiffs

21          DATED this 31<sup>st</sup> day of May, 2019.

22          AARON D. FORD

23          ATTORNEY GENERAL

24          By: /s/ ***Gregory L. Zunino***

25          GREGORY L. ZUNINO, Esq.

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31          *Attorneys for Defendant*

32          *State of Nevada, Steve Sisolak*

33          DATED this 31<sup>st</sup> day of May, 2019.

34          NEVADA LEGISLATIVE COUNSEL

35          BUREAU, LEGAL DIVISION

36          By: /s/ ***Kevin Powers***

37          BRENDA ERDOES, Legislative Counsel

38          State Bar No. 3644

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42          *Attorneys for Defendant*

43          *Legislature of the State of Nevada*

44          **IT IS SO ORDERED.**

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UNITED STATES MAGISTRATE JUDGE

47          DATED: June 4, 2019.